

**REMARKS/ARGUMENTS**

The withdrawal of the finality of the prior rejection is gratefully acknowledged.

The withdrawal of the prior rejection of obviousness-type double patenting over the prior art rejection also is gratefully acknowledged.

The Examiner indicated that the Oath or Declaration is defective in that there are non-initiated and/or non-dated alterations with respect to the Post Office address of Mary E. Ewasyshyn.

It was thought that a new Declaration and Power of Attorney signed by Mary E. Ewasyshyn had accompanied the prior amendment but it would appear to have been inadvertently omitted. Enclosed herewith is a Declaration and Power of Attorney executed by Mary E. Ewasyshyn. It is submitted that Declaration and Power of Attorney complies with 37 CFR 1.67(a).

The Examiner rejected claim 5 under 35 USC 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the invention, at the time the application was filed, had possession of the claimed invention.

Claim 5 has been amended to incorporate the subject matter of claim 6 and to recite that the second nucleotide sequence is adjacent the nucleotide sequence.

The Examiner rejected claims 3 and 7 under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner indicated that claim 3 recites the limitation "said nucleotide sequence encodes a RSV F protein fragment" but that there was insufficient antecedent basis for this limitation in the claim.

While not necessarily agreeing with the Examiner, claim 3 has been rewritten in independent form.


The Examiner indicated that the limitation "said first nucleotide sequence" lacks sufficient antecedent basis. The term "first" has been deleted from claim 7.

Having regard to the revisions made to claim 7, it is submitted that claims 3 and 7 can no longer be considered to be indefinite and hence the rejection thereof under 35 USC 112, second paragraph, should be withdrawn.

The indication of the allowance of claims 1, 2, 4 and 10 to 11 is gratefully acknowledged.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



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